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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CRANE, DANIEL C

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

02/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ATTACHMENT TO ADVISORY ACTION

Applicant has filed an Amendment After Final on September 10, 2007 proposing to amend claim 1 to allegedly overcome the applied prior art of record.

Applicant proposes bringing out new two features in claim 1 by specifying (1) that the pure bending moment is created by applying torque couples of equal and “constant magnitude” with axes of rotation that are parallel to one another and “intersect the elongate material perpendicular to the elongate axis of the elongate material” and (2) the torque couples are rotationally displaced at “constant rates” in opposite directions. Applicant points out that these features define over the applied prior art to Leese and Fuchs.

First, it is noted that the feature of a constant magnitude and constant rate are not explicitly enumerated in the disclosure. The disclosure must be of sufficient description to support any language subsequently added to the claims. In this regard, it is maintained that applicants’ proposed amendment goes beyond a reasonable teaching of the original disclosure. Thus, the fact that the torque couples apply a “constant magnitude” and are rotationally displaced at “constant rates” is not distinctly described in the specification and would be deemed new matter. Applicant is relying upon this feature in addition to claimed subject matter *in toto* to define the applied art. Thus, applicant is relying upon this as a critical feature.

Secondly, locating the torque couples with their axes of rotation being parallel to one another and to “intersect the elongate material perpendicular to the elongate axis of the elongate material” is subject matter that was not considered when the claims were reviewed prior to the Final Office Action. Thus, applicant is further defining the invention with new subject matter not previously considered. Furthermore, it is possible that this limitation where axes of rotation

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of the torque couples "intersect the elongate material perpendicular to the elongate axis of the elongate material" maybe deemed new matter not fully supported by the original disclosure.

Note that Figure 1 shows torque couples 2 but does not clearly show that the axes of rotation actually intersect with the axis of the elongate material. In actuality, the rotational axes of the torque couples 2 appear to be offset from the elongate material 3.

Accordingly, applicant's proposed Amendment After Final will not be entered.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**.

The examiner's office hours are 7:00AM-3:30PM, Monday through Friday.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number **(571) 273-8300**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCCrane
February 12, 2008

/Daniel C Crane/
Daniel C. Crane
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Group Art Unit 3725